



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

Blue Ridge Regional Office

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STATE AIR POLLUTION CONTROL BOARD ENFORCEMENT ACTION - ORDER BY CONSENT ISSUED TO

CHEMICAL LIME COMPANY OF VIRGINIA, INCORPORATED FOR LHOIST NORTH AMERICA Registration Number 20225

SECTION A: Purpose

This is a Consent Order issued under the authority of Va. Code §§ 10.1-1309 and -1316, between the State Air Pollution Control Board and Chemical Lime Company of Virginia, Incorporated, regarding Lhoist North America, for the purpose of resolving certain violations of the Virginia Air Pollution Control Law and the applicable permit and/or regulations.

SECTION B: Definitions

Unless the context clearly indicates otherwise, the following words and terms have the meaning assigned to them below:

1. "Board" means the State Air Pollution Control Board, a permanent citizens' board of the Commonwealth of Virginia, as described in Va. Code §§ 10.1-1184 and -1301.
2. "BRRO" means the Blue Ridge Regional Office of DEQ, located in Roanoke, Virginia.
3. "CFR" means the Code of Federal Regulations, as incorporated into the Regulations.
4. "Chemical Lime Company" means Chemical Lime Company of Virginia, Incorporated, a corporation authorized to do business in Virginia and its affiliates, partners, subsidiaries and parents. Chemical Lime Company, Inc. is a "person" within the meaning of Va. Code § 10.1-1300.
5. "Department" or "DEQ" means the Department of Environmental Quality, an agency of the Commonwealth of Virginia, as described in Va. Code § 10.1-1183.

6. “Director” means the Director of the Department of Environmental Quality, as described in Va. Code § 10.1-1185.
7. “Facility” means the Chemical Lime Company of Virginia, Inc., Lhoist North America facility, located at 2093 Big Stony Creek, Ripplemead, in Giles County, Virginia.
8. “Notice of Violation” or “NOV” means a type of Notice of Violation under Va. Code § 10.1-1309.
9. “Order” means this document, also known as a “Consent Order” or “Order by Consent,” a type of Special Order under the Virginia Air Pollution Control Law.
10. “PCE” means a Partial Compliance Evaluation by DEQ staff.
11. “Permit” means a NSR permit to modify and operate a lime processing and manufacturing facility which was issued under the Virginia Air Pollution Control Law and the Regulations to Chemical Lime Company of Virginia, Inc. on October 20, 2011.
12. “Regulations” or “Regulations for the Control and Abatement of Air Pollution” means 9 VAC 5 Chapters 10 through 80.
13. “Va. Code” means the Code of Virginia (1950), as amended.
14. “VAC” means the Virginia Administrative Code.
15. “Virginia Air Pollution Control Law” means Chapter 13 (§ 10.1-1300 *et seq.*) of Title 10.1 of the Va. Code.

SECTION C: Findings of Fact and Conclusions of Law

1. Chemical Lime Company of Virginia, Inc. owns and operates the Facility in Giles County, Virginia. The Facility is a lime processing and manufacturing facility. The Facility is the subject of the Permit which grants authorization to operate a Stationary Source of Air Pollution.
2. On December 19, 2011, Department staff conducted a PCE of the Facility record (stack test report submitted on December 12, 2011) for compliance with the requirements of the Virginia Air Pollution Control Law, the Permit, and the Regulations. Based on the evaluation, Department staff made the following observation:
 - a. The test report indicated a particulate matter (PM) emissions rate of 0.438 pounds per ton of stone feed (lb/tsf) for Kiln/Cooler #1.
3. 40 CFR 63.7090(a) states: You must meet each emission limit in Table 1 to this subpart that applies to you.
 - Table 1 to Subpart AAAAAA of Part 63 – Emission Limits:
 1. Existing lime kilns and their associated lime coolers that did not have a wet scrubber installed and operating prior to January 6, 2004: PM emissions must not exceed 0.12 pounds per ton of stone feed (lb/tsf)

4. Condition 22 of the October 20, 2011 permit states in part: Except where this permit is more restrictive than the applicable requirement, the equipment subject to the requirements of the applicable National Emission Standards for Hazardous Air Pollutants (MACT Standard) as described in Condition 1 or equipment which is subsequently added or modified in the plant shall be operated in compliance with the requirements of 40 CFR 63, Subpart AAAAA, National Emission Standards for Hazardous Air Pollutants for Lime Manufacturing Plants (9 VAC 5-80-1180, 9 VAC 5-60-90, 9 VAC 5-60-100 and 9 VAC 5-80-1300).
5. On December 27, 2011, based on the evaluation, the Department issued Notice of Violation AWCRO No. 8232 to Chemical Lime Company of Virginia, Inc. for the violation described in paragraphs C(2) through C(4), above.
6. On January 17, 2012, Department staff met with representatives of Chemical Lime Company of Virginia, Inc. to discuss the violation.
7. Based on the results of the December 19, 2011 evaluation and the January 17, 2012 meeting, the Board concludes that Chemical Lime Company of Virginia, Inc. has violated 40 CFR 63.7090(a) and Permit Condition 22 as described in paragraphs C(3) and C(4), above.
8. Chemical Lime Company of Virginia, Inc. retested Kiln/Cooler No. 1 on January 19, 2012.

SECTION D: Agreement and Order

Accordingly, by virtue of the authority granted it in Va. Code §§ 10.1-1309 and -1316, the Board orders Chemical Lime Company of Virginia, Inc., and Chemical Lime Company of Virginia, Inc. agrees to:

1. Perform the actions described in Appendix A of this Order, and
2. Pay a civil charge of \$27,720.00 within 30 days of the effective date of this Order in settlement of the violation cited in this Order.

Payment shall be made by check, certified check, money order or cashier's check payable to the "Treasurer of Virginia", and delivered to:

Receipts Control
Department of Environmental Quality
Post Office Box 1104
Richmond, Virginia 23218

Chemical Lime Company of Virginia, Inc. shall include its Federal Employer Identification Number (FEIN) with the civil charge payment and shall indicate that the payment is being made in accordance with the requirements of this Order for deposit into the Virginia Environmental Emergency Response Fund (VEERF).

SECTION E: Administrative Provisions

1. The Board may modify, rewrite, or amend this Order with the consent of Chemical Lime Company of Virginia, Inc. for good cause shown by Chemical Lime Company of Virginia, Inc., or on its own motion

pursuant to the Administrative Process Act, Va. Code § 2.2-4000 *et seq.*, after notice and opportunity to be heard.

2. This Order addresses and resolves only those violations specifically identified in Section C of this Order. This Order shall not preclude the Board or the Director from taking any action authorized by law, including but not limited to: (1) taking any action authorized by law regarding any additional, subsequent, or subsequently discovered violations; (2) seeking subsequent remediation of the facility; or (3) taking subsequent action to enforce the Order.
3. For purposes of this Order and subsequent actions with respect to this Order only, Chemical Lime Company of Virginia, Inc. admits the jurisdictional allegations, but neither admits nor denies the findings of fact, and conclusions of law contained herein.
4. Chemical Lime Company of Virginia, Inc. consents to venue in the Circuit Court of the City of Richmond for any civil action taken to enforce the terms of this Order.
5. Chemical Lime Company of Virginia, Inc. declares it has received fair and due process under the Administrative Process Act and the Virginia Air Pollution Control Law and it waives the right to any hearing or other administrative proceeding authorized or required by law or regulation, and to any judicial review of any issue of fact or law contained herein. Nothing herein shall be construed as a waiver of the right to any administrative proceeding for, or to judicial review of, any action taken by the Board to modify, rewrite, amend, or enforce this Order.
6. Failure by Chemical Lime Company of Virginia, Inc. to comply with any of the terms of this Order shall constitute a violation of an order of the Board. Nothing herein shall waive the initiation of appropriate enforcement actions or the issuance of additional orders as appropriate by the Board or the Director as a result of such violations. Nothing herein shall affect appropriate enforcement actions by any other federal, state, or local regulatory authority.
7. If any provision of this Order is found to be unenforceable for any reason, the remainder of the Order shall remain in full force and effect.
8. Chemical Lime Company of Virginia, Inc. shall be responsible for failure to comply with any of the terms and conditions of this Order unless compliance is made impossible by earthquake, flood, other acts of God, war, strike, or such other unforeseeable circumstances beyond its control and not due to a lack of good faith or diligence on its part. Chemical Lime Company of Virginia, Inc. shall demonstrate that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. Chemical Lime Company of Virginia, Inc. shall notify the DEQ Regional Director verbally within 24 hours and in writing within three business days when circumstances are anticipated to occur, are occurring, or have occurred that may delay compliance or cause noncompliance with any requirement of the Order. Such notice shall set forth:
 - a. the reasons for the delay or noncompliance;
 - b. the projected duration of any such delay or noncompliance;
 - c. the measures taken and to be taken to prevent or minimize such delay or noncompliance;
and

- d. the timetable by which such measures will be implemented and the date full compliance will be achieved.

Failure to so notify the Regional Director verbally within 24 hours and in writing within three business days, of learning of any condition above, which the parties intend to assert will result in the impossibility of compliance, shall constitute a waiver of any claim to inability to comply with a requirement of this Order.

- 9. This Order is binding on the parties hereto and any successors in interest, designees and assigns, jointly and severally.
- 10. This Order shall become effective upon execution by both the Director or his designee and Chemical Lime Company of Virginia, Inc. Nevertheless, Chemical Lime Company of Virginia, Inc. agrees to be bound by any compliance date which precedes the effective date of this Order.
- 11. This Order shall continue in effect until:
 - a. The Director or his designee terminates the Order after Chemical Lime Company of Virginia, Inc. has completed all of the requirements of the Order;
 - b. Chemical Lime Company of Virginia, Inc. petitions the Director or his designee to terminate the Order after it has completed all of the requirements of the Order and the Director or his designee approves the termination of the Order; or
 - c. the Director or Board terminates the Order in his or its sole discretion upon 30 days written notice to Chemical Lime Company of Virginia, Inc..

Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve Chemical Lime Company of Virginia, Inc. from its obligation to comply with any statute, regulation, permit condition, other order, certificate, certification, standard, or requirement otherwise applicable.

- 12. Any plans, reports, schedules or specifications attached hereto or submitted by Chemical Lime Company of Virginia, Inc. and approved by the Department pursuant to this Order are incorporated into this Order. Any non-compliance with such approved documents shall be considered a violation of this Order.
- 13. The undersigned representative of Chemical Lime Company of Virginia, Inc. certifies that he or she is a responsible official authorized to enter into the terms and conditions of this Order and to execute and legally bind Chemical Lime Company of Virginia, Inc. to this document. Any documents to be submitted pursuant to this Order shall also be submitted by a responsible official of Chemical Lime Company of Virginia, Inc.
- 14. This Order constitutes the entire agreement and understanding of the parties concerning settlement of the violations identified in Section C of this Order, and there are no representations, warranties, covenants, terms or conditions agreed upon between the parties other than those expressed in this Order.

15. By its signature below, Chemical Lime Company of Virginia, Inc. voluntarily agrees to the issuance of this Order.

And it is so ORDERED this 9th day of February 2012.



Robert J. Weld, Regional Director
Department of Environmental Quality

Chemical Lime Company of Virginia, Inc. voluntarily agrees to the issuance of this Order.

Date: 2-7-2012

By: Michael E. Anderson
Michael E. Anderson
Plant Manager

Commonwealth of Virginia,
City/County of Giles

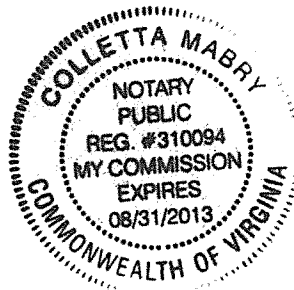
The foregoing document was signed and acknowledged before me this 7th day of February, 2012, by Michael E. Anderson who is Plant Manager of Chemical Lime Company of Virginia, Inc. on behalf of the Corporation.

Colletta Mabry
Notary Public

310094
Registration No.

My commission expires: August 31, 2013

Notary Seal:



APPENDIX A SCHEDULE OF COMPLIANCE

Chemical Lime Company of Virginia, Inc. shall:

1. Submit the results of the Kiln/Cooler #1 stack test conducted on January 19, 2012 no later than March 15, 2012.
2. Demonstrate compliance with the particulate matter emission limit no later than April 30, 2012.

Certification of Documents and Reports:

In accordance with 9 VAC 5-20-230(A), in all documents or reports submitted to DEQ pursuant to this Consent Order, Chemical Lime Company shall by its officers, sign and certify under penalty of law that the information contained in such document or report is true, accurate, and not misleading by signing the following statement:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering and evaluating the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

DEQ Contact:

Unless other specified in this Order, Chemical Lime Company shall submit all requirements of Appendix A of this Order to:

Mary Monroe
VA DEQ Blue Ridge Regional Office
3019 Peters Creek Road, Roanoke, VA 24019
(540) 562-6850
mary.monroe@deq.virginia.gov